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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY ALAN CISSNEY,

Defendant and Appellant.

C074352

(Super. Ct. Nos. 12F02469,
12F02068, 13F03314)

Appointed counsel for defendant Timothy Alan Cissney has filed an opening brief that sets forth the facts of the case and asks this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

FACTUAL AND PROCEDURAL BACKGROUND

Case No. 12F02068

On March 16, 2012, officers conducted a vehicle stop of the car defendant was driving. Defendant was driving under the influence of a drug at the time and officers found controlled substances and a loaded .380-caliber handgun in his car. Defendant was charged in Sacramento County case No. 12F02068 with possession of methamphetamine for sale, possession of psilocybin for sale, and possession of marijuana for sale, each while personally armed with a firearm and with unlawful possession of a firearm.

On April 10, 2012, officers executed a search warrant at defendant's residence. At the time, defendant had been released on bail in Sacramento County case No. 12F02068. During the search, officers found a large amount of methamphetamine that appeared to be possessed for sale and components used for the manufacture of methamphetamine. Defendant and his codefendant, Russell Hysell, were charged in Sacramento County case No. 12F02469 with narcotics-related offenses. The charges against defendant were for possession for sale of methamphetamine, possession of chemicals with intent to manufacture methamphetamine, possession of marijuana for sale, cultivation of marijuana, unlawful possession of a firearm, child cruelty/endangerment, and possession of concentrated cannabis. It was also alleged defendant had two controlled substances trafficking convictions and had committed the offenses while released on bail in Sacramento County case No. 12F02068.

Case No. 13F03314

On May 26, 2013, defendant became involved in an altercation with his wife, during which he punched her and pulled her by her ponytail, and thereby inflicted traumatic injury. Defendant was charged in Sacramento County case No. 13F03314 with corporal injury on a spouse and assault with a deadly weapon, to wit, a car. It was also alleged defendant had committed the offenses while released on bail in Sacramento County case No. 12F02469.

No Contest Plea and Sentence

Sacramento County case Nos. 12F02068 and 12F02469 were consolidated under the latter number and, on June 14, 2013, defendant pleaded no contest to possession for sale of methamphetamine (Health & Saf. Code, § 11378), possession of chemicals with intent to manufacture methamphetamine (Health & Saf. Code, former § 11383, now § 11383.5), possession of a firearm during the commission of a felony (Pen. Code, § 29800), and the added misdemeanor charge of driving under the influence (Veh. Code, § 23152, subd. (a)). Defendant also admitted he had two prior drug-related convictions. (Health & Saf. Code, § 11370.2.) Defendant also pleaded no contest to corporal injury on a spouse (Pen. Code, § 273.5, subd. (a)) in Sacramento County case No. 13F03314.

By agreement of the parties, defendant was immediately sentenced to the stipulated state prison term of 11 years 4 months as follows: the upper term of three years for possession for sale of methamphetamine; two consecutive three-year terms for the prior drug-related convictions; a consecutive term of 16 months (one-third the midterm) for possession of chemicals with intent to manufacture methamphetamine; a concurrent term of two years for possession of a firearm during the commission of a felony; a concurrent term of two days in county jail for the misdemeanor driving under the influence; and a consecutive term of one year (one-third the midterm) for corporal injury on a spouse. The trial court also imposed various fines and fees and awarded defendant 377 days of presentence custody credit in case No. 12F02469 and 40 days of presentence custody credit in case No. 13F03314.

Defendant appeals. The trial court granted his request for a certificate of probable cause. (Pen. Code, § 1237.5.)

WENDE REVIEW

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and, pursuant to *Wende*, requesting the court to review the record and determine whether there are any arguable issues on appeal.

Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MURRAY, J.

We concur:

BLEASE, Acting P. J.

BUTZ, J.